

VILLAGE OF IRVINGTON
Zoning Board of Appeals

Minutes of Meeting
May 18, 2004 – 8:00 P.M.

Village Hall
85 Main Street
Irvington, New York

Attendees:

Louis Lustenberger – Chair
Bruce Clark
Robert Myers
Arthur Semetis

The meeting was called to order at 8:00 p.m. and the following matters were addressed:

I. Application of Steven Silpe, 34 South Ferris St. (Sheet 5; Block 212; Lot 21)

- Appearance by Earle Fergusson
- Applicant provided proof of mailing

The Application seeks approval for two (2) variances: (i) FAR variance for the construction of a 326.83 square foot addition to the rear of an existing brick structure; and (ii) Lot Coverage variance in that the addition would exceed allowable coverage by 121.2 square feet. The proposed addition would be a clapboard covered 2½ story wood frame structure.

Applicant provided an evaluation of neighboring properties to compare bulk, not coverage. Applicant acknowledged that the comparison did not include impervious surfaces such as walks and paved areas. Messrs. Clark and Semetis noted many inaccuracies in the tax map and evaluation provided by Applicant.

Joseph Clark, 10 Barney Park, appeared and voiced his opposition to the Application. Mr. Clark's property backs onto Applicant's property. He stated that the structure would tower over his yard, depriving him of privacy. Mr. Clark provided a letter to the Board for its consideration.

Mr. Steven Silpe, present at the meeting, addressed the Board. He stated that he would consider placing shrubby to shield the view from Mr. Clark's property. Mr. Silpe then acknowledged that the property was for sale. The various Board Members expressed concern that the variance sought was for speculative purposes, and not to benefit the Applicant and his family in their use and enjoyment of the property.

The Chairman commented that the Board was to balance the detriment to the character of the neighborhood with the benefit to the Applicant. He made a motion to deny the Application inasmuch as the property was for sale, and that a detrimental impact to the neighborhood and to Mr. Clark's property existed.

The motion was seconded by Mr. Myers, and unanimously approved by the Board.

II. Vincent DeSantis, 64 West Clinton Avenue (Sheet 7B; Block 249; Lot 7A)

- Appearance by Mr. DeSantis
- Applicant provided proof of mailing

Applicant seeks an interpretation of Section 181-2 of the Village Code with respect to the requirement to add fire suppression sprinklers in a residential addition. Applicant opined that the Code merely provides that sprinklers are required to be added in the area of new construction only, if the total square footage of the new construction equals or is in excess of thirty (30%) percent of the square footage of the existing structure. He added that he believed that the relevant Code provision did not require the installation of a sprinkler system throughout the existing structure.

Mr. Lustenberger noted that the Village Building Inspector and the Fire Department provided the Board with written statements concluding that once the thirty (30%) percent threshold was met, the Code required the installation of a sprinkler in the addition and in the existing structure. The Fire Department expressed its opinion that the failure to do so would create a fire hazard.

The Board Members reviewed the applicable Code provisions as drafted, and expressed their various opinions on the interpretation of the relevant language.

Mr. Lustenberger noted that the Applicant sought an interpretation of the provision, and not a variance. He stated that it would be a mistake for the Board to interpret the intent of the drafters, especially in light of the strong opinions expressed by the Fire Department and the Building Inspector. Mr. Lustenberger continued by noting that the intent of the drafters of the Code was unclear, the Code provision appeared to be somewhat ambiguous, and that the Board's interpretation of this Code provision would be far reaching on a material safety issue.

Mr. Lustenberger moved to defer the Applicant's request for an interpretation until the Village Trustees and the Village Attorney provided a clear statement of the intent of the relevant Code provision. The motion was seconded by Mr. Semetis, and unanimously approved by the Board.

III. John and Pat Ryan, 17 South Ferris Street; (Sheet 6; Block 214; Lots 27 & 28)

- Appearance by Matthew Behrens, Architect
- Applicants provided proof of mailing

Applicants seek variances from Sections 224-11 (setback) and 224-13 (coverage) of the Village Code to construct a new open deck to the rear of the existing structure.

Mr. Lustenberger indicated that he had viewed the property, and that it appeared that the proposed construction would have no adverse effect on the neighborhood, and a minimal increase of approximately 176 square feet (less than 10%) over the existing coverage.

A motion to approve the variance was made by Mr. Lustenberger, seconded by Mr. Myers, and unanimously approved by the Board.

IV. Steven Ivkoscic and Sylvia Maruisc, 21-23 South Ecker Street (Sheet 5; Block 212; Lot 15A)

- Appearance by Steven Ivkoscic
- Applicants provided proof of mailing

Applicants have appeared previously before the Board. They seek variances from Sections 224-13 (coverage), 224-14 (parking), and 224-11 (setback) to renovate an existing structure.

Applicants established that (i) there would be four (4) off street parking spaces for the five (5) dwelling units; (ii) the setbacks would be similar to the neighboring properties; and (iii) that the existing porch would be shortened by three (3) feet.

Mr. Lustenberger commented that the work to be performed would result in a structure that would be markedly improved.

Mr. Doug McClure, a resident of 12 South Ecker Street, stated that he was in favor of the proposed improvement overall but that he had a concern over the loss of a parking space on the street. Applicants established that there would be no loss of existing parking spaces.

Mr. Clark engaged in an analysis of the increased coverage, but it was agreed that the structure's setbacks would be in conformity with the neighboring properties, and that the proposed work would be an improvement to the structure and to the neighborhood.

Mr. Lustenberger moved to grant the requested variances. The motion was seconded by Mr. Semetis, and unanimously approved by the Board.

V. Patrick and Annette Natarelli, 29 Maple Street (Sheet 7A; Block 232; Lot 13)

- Appearance by Patrick Natarelli
- Applicant provided proof of mailing

Applicant seeks variances from Section 224-13 (coverage) and 224-136 (floor area ratio) to construct a residential addition.

Mr. Lustenberger commented that the Application reflected a thirty-five (35%) percent increase in the lot coverage. There appeared to be several discrepancies in the footages reflected in the Applicant's submission.

Messrs. Clark and Semetis expressed concern in considering the Applicant's submission in light of the discrepancies.

Upon motion of Mr. Lustenberger, the Application was adjourned to the June 2004 Meeting.

VI. Richard Wager, 42 Victor Drive (Sheet 13; Block 252; Lot 7B)

- Appearance by William Figdor, Architect
- Applicant provided proof of mailing

Applicant seeks a variance from Section 224-13 (coverage) to legalize an existing greenhouse.

After a review of the relevant documentation, it was determined that the greenhouse addition did not increase the coverage beyond the permissible amount. Inasmuch as no variance was necessary, the Board unanimously voted to dismiss the Application. The Board further noted that it was unable to determine the reason that the Planning Board referred this matter to the Zoning Board of Appeals.

VII. La Familia Corp. (Il Sorriso), 5 North Buckout Street (Sheet 4; Block 203; Lots 18 & 18A)

- Appearance by Eva Klein, Architect
- Applicant provided proof of mailing

Applicant seeks variances from Sections 224-13 (coverage) and 224-134 (floor area ratio) to enlarge an open porch.

It was determined that the Applicant's property was situated in the business district where FAR is not applicable. Accordingly, there was no need for a variance. Inasmuch as no variance was necessary, the Board unanimously voted to dismiss the Application.

The meeting was adjourned at 10:10 p.m.